

Meeting Notes  
Otay Ranch POM Preserve Management Team Meeting  
County Administration Center, Tower 7  
1600 Pacific Highway  
San Diego, CA 92101

February 5, 2007  
Noon – 2:00 p.m.

Approved by POM PMT on 06/12/07.  
Motion to approve by City of Chula Vista/JIM SANDOVAL  
Motion Seconded by County of San Diego/CHANDRA WALLAR  
Motion carried.

**1. Call To Order at 12:12 p.m.**

**County Staff:**

Chandra Wallar  
Renée Bahl  
Casey Trumbo  
Maeve Hanley  
Claudia Anzures  
MaryJo Lanzafame  
Cheryl Goddard  
Dahvia Lynch

**City of Chula Vista Staff:**

Dana Smith  
Jim Sandoval  
Marisa Lundstedt  
Ann Moore  
Boushra Salem

**Public:**

Slader Buck, USFWS Refuges  
Tom Tomlinson, McMillin  
Kim Kilkenny, Otay Ranch Co.  
Rob Cameron, Otay Ranch Co.  
Ranie Hunter, Otay Ranch Co.

**2. IOD Language (Trumbo & Lundstedt)**

a. IOD Easement Language

CASEY TRUMBO explained rationale for County approach to new language for planned and existing facilities. County and Chula Vista Staff agree upon existing easements and “Planned Facilities”.

Future facilities approach does not have agreement between staff of County and Chula Vista. The siting criteria for future facilities is outlined in Appendix E. City and County agree on the language of the siting criteria, but differ in their recommendations of approval of the easement. The County staff recommends the easement should be agreed upon jointly as the Preserve Owner Manager (POM).

MARISA LUNDSTEDT outlined Chula Vista's approach. City Staff recommends that the jurisdiction with land use authority should be the sole entity approving the siting of infrastructure within the preserve.

LUNDSTEDT: Underlining goal of RMP had conceptual infrastructure plan and set forth general criteria for infrastructure location and future infrastructure would be subject to County and Chula Vista jurisdictional review as well as POM review. As a part of Chula Vista's MSCP, the Wildlife Agencies have granted take for these uses for planned facilities. Future facilities would be subject to the criteria in Appendix E of the Staff Report.

Chula Vista would like the siting of the infrastructure to be subject to early consultation with POM staff and all infrastructure needs to be sited sensitively throughout the preserve. This presupposes that a discretionary project and an IOD would occur at the same time but this is not how processing usually occurs. The discretionary project may propose an infrastructure but the IOD which includes the location of the infrastructure is not offered until the map is finalized which can be 6 months later.

CHANDRA WALLAR: Wouldn't we know where IODs are accommodated?

LUNDSTEDT: Now have a conveyance plan and IOD only needs to be within conveyance area.

WALLAR: What control does the POM have of where the facilities are located?

ANN MOORE: Chula Vista wants to coordinate with the County on location of facilities but Chula Vista does not want to relinquish police authority as that would not be serving residents of Chula Vista and would leave Chula Vista open to litigation. Tax-sharing agreement is an example of litigation that could occur. County decided to settle the case as was a clear example of the delegation of police authority issue.

WALLAR: How does the POM control the location of the infrastructure on lands that will be offered to the POM as IODs?

MOORE: Siting criteria in MSCP and RMP, and need to go through Wildlife Agencies and other agencies including the POM, which would be able to review and comment but not have final approval power.

ANZURES: Disagree, RMP clearly states that coordinating and commenting will occur through POM process

MOORE: Commenting is totally different than approval

ANZURES: RMP requires that any decisions that relate to the Preserve be approved by POM. Anzures cited sections of RMP that lead her to conclude that POM has decision authority to approve location of infrastructure.

DANA SMITH: Clarified that Existing Facilities and Planned Facilities are agreeable to both County and Chula Vista.

SMITH then opened the floor to the Public:

KIM KILKENNY: Offer observations. Overview: Otay Ranch Preserve is a phenomenal success as it has acquisition, funding and mgmt assured. County and Chula Vista should be proud of this accomplishment which was initiated over 10 years ago. Remember the success. Asked for clarity on melding of MSCP and RMP. Qs: Is there a need to process a RMP amendment to accommodate infrastructure?

TRUMBO: Yes, this would be a one-time amendment that would allow staff to have one document to refer to in the future.

KILKENNY: Has fear of an RMP amendment as Otay Ranch Company has not had success processing RMP amendments concurrently in both the County and Chula Vista. Otay Ranch Company has been penalized in the past with previous projects.

From historic perspective some of the language that Claudia quoted including appropriate jurisdiction meant the jurisdiction with land use authority. There was a strong argument that the POM should not be a combination of Chula Vista and County but should be a third party that is involved in land mgmt. Do not want POM to be slowed by political battles , i.e. projects related to the Resort Site and in the Otay River Valley.

WALLAR: Concur with point that there should not be political games, but criteria should be developed to keep the biological integrity, figure out language that enables that.

MOORE: Has been here since the start - since the processing of the 1<sup>st</sup> SPA plan. CV has always maintained that each jurisdiction has land use authority within their jurisdictional boundaries. RMP has land use policies and procedures, Chula Vista has right to process any amendments under the RMP and so does the County. There was never meant to be a melding of jurisdictions and respectfully disagrees with County.

KILKENNY: County MSCP ironically narrowed the areas that infrastructure could go, i.e. page 3-26 of County MSCP speaks of exclusions. It was wrong for the County to process MSCP that allowed facilities in Chula Vista but not in County. He listed items from this citation and states that these projects would be subject to the criteria described in the MSCP. He then stated that every facility type described as a Chula Vista planned and future facility is also described in the RMP.

SMITH: Don't understand County's request to change process.

TRUMBO: It is not a change in process. This process would not give POM more control but would define and clarify the process on a staff level to address infrastructure whether it be existing, planned or future facilities. It would allow new staff to understand the siting criteria and would clarify the decision-making process to locate facilities.

SMITH: So this process would clarify at staff level and for public the procedures used to approve future infrastructure?

LUNDSTEDT: POM authority is protection of resources. Appendix E was agreed upon by Trumbo, Lundstedt and Goddard. If you look at siting criteria this is a process to site future facilities, with minor change in criterion number 1, and is a process to site future facilities in preserve. Appendix E is the list that we use today.

WALLAR: What if one or the other jurisdiction decides in the future to balk at the criteria and decides they have sole land use authority

LUNDSTEDT: If concerns are biological resources, the Wildlife Agencies will be there to ensure that Chula Vista is complying with their Plan (MSCP).

SMITH: Current workings do not provide adequate fail-safes with Wildlife Agencies oversight?

ANZURES: Wildlife Agencies could be final arbiters but County has not always agreed with the Wildlife Agencies on their decisions. County could use Appendix E siting criteria and Wildlife Agency oversight.

MOORE: Wildlife Agencies do have such oversight authority.

ANZURES: Was involved in 1993 in the development of the County's MSCP. Chula Vista's MSCP Plan evolved later and was able to address infrastructure needs more thoroughly. In the County's MSCP Plan one of the main objections from the Wildlife Agencies was the restriction on infrastructure and is a theme throughout the County's MSCP. Obviously their opinion changed as Chula Vista's siting criteria was developed to a greater degree by the Wildlife Agencies. The County's MSCP Plan didn't include the siting of infrastructure, and Chula Vista's did. And this is the problem we face.

KILKENNY: RMP expressly allows infrastructure development. Have to be able to put in road, sewer, water, etc. Am I correct in that there is a road and sewer system that has been previously agreed upon?

BAHL: Yes, if it is an existing or planned facility.

ANZURES: Yes, if the facility is in the approved RMP then it has already been approved by POM.

KILKENNY: This conversation is for naught, as facilities on Fig 14, 15, 16 are expressly mapped but there are other permitted uses that are not mapped but are expressly allowed within the text of the RMP, university, trails, drainage are all examples of this. Every item was contemplated in the GDP and the RMP.

SMITH: Any other comments?

KILKENNY: Future facilities such as emergency access roads and fire clearance are already in the RMP. There is no disagreement between the Chula Vista MSCP and the RMP. Everything in the GDP/RMP was reflected in Chula Vista's MSCP. E.g., La Media Road is permitted as was in GSP/RMP.

WALLAR: Looking for input from staff and want resources to be intact, but need someone to assure me that this is the case.

CHERYL GODDARD: Not trying to add authority to POM/PMT and would like to address sections of RMP that County is basing approach on for future facilities.

LUNDSTEDT: Reason that Chula Vista received take-authority from the Wildlife Agencies was based on siting criteria. Chula Vista would not have received this if we were not protecting biological resources.

TRUMBO: Could be future facilities that are not yet contemplated, e.g., V13 and properties in San Ysidro.

BAHL: Need to amend RMP for planned facilities.

KILKENNY: All were contemplated except for Otay Valley Road which was replaced with road crossing Wolf Canyon as had significantly less bio impacts.

BAHL: Have staff review this claim, if was accept IOD for POM, does POM not hold the IOD or is it just the decision of the land use jurisdiction?

ANZURES: One would hope that IOD be dedicated to the City and the County, not one jurisdiction.

WALLAR: Both parties have legitimate concerns. Understand Chula Vista's concern of giving up land use authority and County's concern of damaging preserve potentially, and also Kilkenny's concern of avoiding any political battles. **Want staff to get back together with Counsel and reach consensus. Want something for POM next week.**

SMITH: **Need both entities to concur before bringing forward a change.**

BAHL: It is not a change, but two different interpretations of the RMP. Perhaps it is a question for Counsel.

KILKENNY: Passed out list of planned and future facilities as he believes that these are already covered and this discussion is much ado about nothing.

SMITH: Suggestion by co-chair to have decision by Friday on language.

MOORE: Will be out on TH and F. Need by Wed.\*\*\*\*\*

ANZURES: **Will work on recommendation by Wed.**

b. IOD Substitution Language

TRUMBO: Substitution clause needs clarification to give POM authority to approve as indicated in RMP. Want POM to look at studies at where in conveyance area the substitution land is located, clear title, Phase 1 Site Assessment, and staff will determine if the substitution land meets criteria. County and Chula Vista disagrees on language relating to "having equal or greater value" fourth point. The County feels that different areas are of different values. County and Chula Vista want to make joint decision.

LUNDSTEDT: Agree with Trumbo that Chula Vista only has problem with fourth bullet. Wants group to understand that policies in the conveyance plan. RMP Phase 1 created the conveyance plan that was subsequently depicted on a map and conveyed the intent of the 8 policies. All the land in the preserve conveyance area is of the equal value. When applicant comes to Chula Vista or County they can't tell the applicant where to preserve the land. It is all equal.

SMITH: All of the land will eventually be conveyed by development?

LUNDSTEDT: Ideally.

SMITH: All that would goof that up is if development did not occur.

BAHL: County wants policy in RMP to be addressed. Does this require an amendment in the RMP? We can ask that later and see what the decision should be.

LUNDSTEDT: The adopted conveyance plan has already incorporated the RMP conveyance policies.

ANZURES: Do we have adopted conveyance plan?

LUNDSTEDT: Chula Vista has adopted the elimination of the conveyance plan but the County has not. In the interim, Chula Vista will only approve IODs within the County's approved conveyance area.

GODDARD: County is currently in the review process of a General Plan Amendment to eliminate the conveyance schedule.

### 3. Reports (Goddard & Trumbo)

#### a. IOD Status

##### i. Pending (12 – 1,058.09 acres)

##### 1. Otay Project LP/Otay Ranch Company (7 – 857.18 acres)

##### a. Wolf Canyon (30.06 acres)

##### b. Proctor Valley Segment (772.90 acres)

##### c. 1999 Board Action (266.36 acres)

GODDARD used PowerPoint slide to show ...

Wolf Canyon offered but not accepted. Not accepted by POM as there are preserve boundary modifications proposed as a part of Villages 2, 3, 4. Otay Ranch Company will need to vacate the portions of the IODs they have proposed and rededicate.

Proctor Valley (Village 13) offered but not accepted. Red and blue areas on slides. Blue area was easement required for 1995 Baldwin agreements that allowed for increased development rights in Chula Vista. Blue area is still an open space easement that needs to be vacated and IOD dedicated to POM. The POM requires ownership in order for POM to manage the land.

The Red area is a CSS compensation. There is another 120 ac that is located in lower Proctor Valley for impacts in SPA 1 including Olympic Parkway. Allows area to be used for future conveyance. Has been offered but not accepted as Village 13 is currently undergoing preserve boundary modifications based on listing of QCB.

SMITH: Need to slow down on acronyms and terms.

##### 2. Brookfield-Shea 3 – 148.87 acres

148.87 offered. Top end of Salt Creek has been accepted by County but not by Chula Vista. Other portions have been acknowledged by County and Chula Vista. Need clear title report and Phase I to process these.

WALLAR: Are these owners present?

All: No.

##### 3. McMillin/South County Investors – 1 – 0.586 acres

TRUMBO: East of Village 15 is the location of final IOD offered but not accepted.

LUNDSTEDT: Chula Vista was going to wait for larger piece to convey this small area.

#### b. Acreage Accounting

##### ■ Handout Distributed:

- Staff worked on this chart to show numbers. The numbers have been rounded. 400 acres left to be preserved if build-out of development occurs.



LUNDSTEDT: Clarified the deficit

TRUMBO: When acquisition occurred by Wildlife Conservation Board, there was preservation of developable acreage. Since this acreage was preserved, there is no conveyance requirement.

LUNDSTEDT: Plus County also acquired land in Otay River Valley.

TRUMBO: There would be greater than 400 acres if County had not acquired that property.

WALLAR: Overall this amount is not significant.

c. Status of Long-Term Implementation Plan (Trumbo)

TRUMBO: Final plan complete by June 30. County will have plan to Chula Vista by April 1 and Chula Vista will return with comments by May 15.

LUNDSTEDT: Yes.

**4. Land Management (Duke & Trumbo)**

a. POM managed

BAHL: Larry couldn't be here today. Seasonal ranger does basic stewardship.

LUNDSTEDT: Just to clarify that job description includes Salt Creek.

**TRUMBO: Will check if ranger is patrolling Salt Creek**

SMITH: Clarify any issues that are occurring in the land that the POM does manage?

BAHL: More manageable with seasonal that is consistently in field but trash and dumping is main abuse.

SLATER BUCK: Resource damage on daily basis. OHV is huge issue. Both Refuge Chula Vista and County land is being trespassed every day. Endangered Species are being taken. Need sheriff and police. Not going to go away soon. John Martin has evidence from last week.

**SMITH: Report to policy committee would be helpful including photos**

**BUCK:** Irony is that as development occurs this illegal activity goes away. Neighbors will calls and decrease illegal use. It's ATVs, motorcycles and big trucks. More motorcycles than others. Damage to cryptobiotic soil, QCB and CAGN habitat. **Will put report together.**



BAHL: This is a problem in Proctor Valley and will be come more of an issue to POM as we acquire more land.

BUCK: Problem for absentee landowners also. Liability issue.

b. Privately managed (prior to conveyance)

TRUMBO: Staff met to discuss private-property land mgmt. Want to send letter to land owners requesting information on monitoring and management activities. Also want site visit to those properties that the POM will be receiving soon. Example: Otay Ranch Company to deed over ~266 acres. Need to determine if any issues need to be dealt with prior to acceptance.

TOM TOMLINSON: Update on finances??

TRUMBO: Fund balance as of June 30, 2006 is \$360,000, inflation factor of 3.66%. That's all the info for now.

**LUNDSTEDT: Spending about 20K\$ for seasonal ranger and some \$\$\$ for County staff time and engineering yearly budget. As POM is getting more active we need to get necessary surveys of interim plan and will be actively managing the land and spending more money. Will update more at next meeting.**

BAHL: Lundstedt, please provide update for next meeting.

## **5. Proposed Policy Committee Agenda (Trumbo & Lundstedt)**

SMITH: Chula Vista staff have any recommendations?

TRUMBO: Very similar to this agenda.

BAHL: SMITH to give overview of POM plus all overview items that we went through today.

**SMITH: May want to add status of finances**

WALLAR: Want take away of annual "ins" and "out." Almost like a balance sheet.

SMITH: 5-yr projection would be helpful.

SMITH: Anything to necessitate addition of item?

BAHL: Land mgmt?

**SMITH: Add Land Management as part of overview**

LUNDSTEDT: Pending IODs that have current language and acknowledged by County and Chula Vista and whether we require them to vacate and resubmit or just process as such.

BAHL: Will review the issue with staff and get back to Lundstedt.

## **6. Meeting Dates (Trumbo)**

- a. POM Staff
  - i. Monthly
- b. Preserve Management Team
  - i. Quarterly
- c. Policy Committee
  - i. Supervisor Cox has requested that PC meet quarterly and therefore POM will meet at least that much with less formal

## **7. Next Steps**

County Counsel and City Attorney and staff work to resolve issues on the IOD Easement Language by Wednesday, February 7, 2007.

WALLAR: Very important to take joint decision to Policy Committee

SMITH: Appreciation for County staff and writing staff report. Care of reserve area is very important and look forward to working together in future.

## **8. Public Comment**

This was item 1. Opened and closed with no comment.

## **9. Adjournment**

**Meeting adjourned by SMITH at 1:36p.m.**